IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9545 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAJENDRAKUMAR U PATEL

Versus

EXECUTIVE ENGINEER

Appearance:

1. Special Civil Application No. 9545 of 2001

MR RK MISHRA for Petitioner No. 1

GOVERNMENT PLEADER for Respondents No. 1-2

NOTICE SERVED BY DS for Respondents No. 1-2

MR KM PATEL for Respondent No. 3

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 24/01/2002

ORAL JUDGEMENT

Rule. Learned AGP Shri K.L. Pandya waives

serice of rule for respondents Nos. 1 and 2 and Learned Advocate Shri K.M. Patel waives service of rule for respondent No. 3. Looking to the urgency of the case, at the request of the learned advocates, the petition is finally heard today.

2. Facts which are necessary to be recorded for the purpose of disposal of this petition are as under :

3. The petitioner was sent on deputation to work under respondent No. 3 and he was supposed to report before the concerned officer of respondent No.3 before 31st August 2001, but as the petitioner proceeded on leave and did not report for duties in the office of respondent No. 3 till 31st August 2001, he was not permitted to report for duty after 31st August 2001. He has, therefore, approached this Court with a prayer that respondents Nos. 1 or 2 be directed to permit the petitioner to resume his duties under them as the petitioner, prior to the order of deputation, was working under respondents Nos. 1 and 2.

4. In view of the above circumstances, the petitioner shall report for duty before respondent No.1 on or before 30th January 2002 and respondent No. 1 shall give him direction as to where he has to perform his duties. Needless to say that the petitioner shall not be entitled to salary for the period during which he did not work and it would be open to respondent No. 1 to pass appropriate order giving posting to the petitioner at any place in the interest of administration.

5. In view of the above direction, the petition is disposed of as allowed. Rule is made absolute to the above extent with no order as to costs.

Direct service to respondents Nos.1 and 2 permitted.

(A.R. Dave, J.)

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